ozone NAAQS is monitored in the Salt Lake and Davis Counties ozone nonattainment area, these determinations shall no longer apply.

[60 FR 36729, July 18, 1995]

### § 52.2333 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since section 26–24–16 of the Utah Code Annotated (1953), may preclude the release of emission data, as correlated with applicable emission limitations, under certain circumstances.

[37 FR 15090, July 27, 1972, as amended at 51 FR 40676, Nov. 7, 1986]

### §§ 52.2334–52.2345 [Reserved]

### § 52.2346 Significant deterioration of air quality.

(a) The Utah plan, as submitted, is approved as meeting the requirements of Part C, Title I, of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) *Regulation for prevention of significant deterioration of air quality*. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the Utah State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

(c) The State of Utah has clarified the generalized language contained in the Utah Air Conservation Regulations on the use of the ''Guidelines on Air Quality Models.'' In a letter to Douglas M. Skie, EPA, dated May 26, 1989, F. Burnell Cordner, Director of the Bureau of Air Quality, stated:

* * * The language in section 3.7 of the Utah Air Conservation Regulations on the use of ''Guidelines on Air Quality Models'' means that all PSD permit reviews will comply with the use of the ''Guideline on Air Quality Models (Revised)'', EPA 450/2–78–027R, and any future supplements approved by EPA.

(d) On March 14, 2012 the State of Utah submitted revisions to the State Implementation Plan that incorporated the required elements of the 2008 $PM_{2.5}$ NSR Implementation Rule and the 2010 $PM_{2.5}$ Increment Rule. The following provisions are approved into the State Implementation Plan.

(1) *Major source baseline date* means:

(i) In the case of $PM_{10}$ and sulfur dioxide, January 6, 1975;

(ii) In the case of nitrogen dioxide, February 8, 1988; and

(iii) In the case of $PM_{2.5}$, October 20, 2010.

(2) *Minor source baseline date* means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 submits a complete application under the relevant regulations. The trigger date is:

(i) In the case of $PM_{10}$ and sulfur dioxide, August 7, 1977;

(ii) In the case of nitrogen dioxide, February 8, 1988; and

(iii) In the case of $PM_{2.5}$, October 20, 2011.

(3) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(i) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; and

(ii) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(4) *Baseline area* means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: equal to or greater than 1 $\mu g/m^3$ (annual average) for $SO_2$, $NO_2$, or $PM_{10}$; or equal or greater than 0.3 $\mu g/m^3$ (annual average) for $PM_{2.5}$.

(5) Area redesignations under section 107(d)(1)(A)(ii) or (iii) of the Act cannot intersect or be smaller than the area of

impact of any major stationary source or major modification which:

(i) Establishes a minor source baseline date; or

(ii) Is subject to 40 CFR 52.21 or [Utah Administrative Code (UAC)] R307–405 and would be constructed in the same state as the state proposing the redesignation.

(6) *Significant* means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

(i) Carbon monoxide: 100 tons per year (tpy).

(ii) Nitrogen oxides: 40 tpy.

(iii) Sulfur dioxide: 40 tpy.

(iv) Particulate matter: 25 tpy of particulate matter emissions.

(v) $PM_{10}$: 15 tpy.

(vi) $PM_{2.5}$: 10 tpy of direct $PM_{2.5}$ emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions unless demonstrated not to be a $PM_{2.5}$ precursor under 40 CFR 52.21(b)(50).

(vii) Ozone: 40 tpy of volatile organic compounds or nitrogen oxides.

(viii) Lead: 0.6 tpy.

(ix) Fluorides: 3 tpy.

(x) Sulfuric acid mist: 7 tpy.

(xi) Hydrogen sulfide ($H_2S$): 10 tpy.

(xii) Total reduced sulfur (including $H_2S$): 10 tpy.

(xiii) Reduced sulfur compounds (including $H_2S$): 10 tpy.

(xiv) Municipal waste combustor organics (measured as total tetra- through octa-chlorinated diebenzo-p-dioxins and dibenzofurans): $3.2 \times 10^{M6}$ megagrams per year ($3.5 \times 10^{M6}$ tons per year).

(xv) Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year).

(xvi) Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year).

(xvii) Municipal solid waste landfills emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year).

(7) *Regulated NSR pollutant*, for purposes of this section means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated and any pollutant identified under 40 CFR 52.21(b)(50)(i) as a constituent or precursor for such pollutant. Precursors identified by the EPA Administrator for purposes of NSR are the following:

(A) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(B) Sulfur dioxide is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas.

(C) Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all attainment and unclassifiable areas, unless the State demonstrates to the EPA Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(D) Volatile organic compounds are presumed not to be precursors to $PM_{2.5}$ in any attainment or unclassifiable area, unless the State demonstrates to the EPA Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(ii) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act;

(iv) Any pollutant that otherwise is subject to regulation under the Act.

(v) Notwithstanding 40 CFR 52.21(b)(50)(i) through (iv), the term *regulated NSR pollutant* shall not include any or all hazardous air pollutant either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, and which have not been delisted pursuant to section 122(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

(vi) Participate matter (PM) emissions, $PM_{2.5}$ emissions and $PM_{10}$ emissions shall include gaseous emissions

from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011 (or any earlier date established in the upcoming rulemaking codifying test methods), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, $PM_{2.5}$ and $PM_{10}$ in PSD permits. Compliance with emissions limitations for PM, $PM_{2.5}$ and $PM_{10}$ issued prior to this date shall not be based on condensable particular matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particular matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particular matter to be included.

(8) *Ambient air increments.* (i) In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

| Pollutant | Maximum allowable increase (micrograms per cubic meter) |
|---|---|
| **Class I Area** | |
| $PM_{2.5}$: | |
| Annual arithmetic mean | 1 |
| 24-hr maximum | 2 |
| $PM_{10}$: | |
| Annual arithmetic mean | 4 |
| 24-hr maximum | 8 |
| Sulfur dioxide: | |
| Annual arithmetic mean | 2 |
| 24-hr maximum | 5 |
| 3-hr maximum | 25 |
| Nitrogen dioxide Annual arithmetic mean | 2.5 |
| **Class II Area** | |
| $PM_{2.5}$: | |
| Annual arithmetic mean | 4 |
| 24-hr maximum | 9 |
| $PM_{10}$: | |
| Annual arithmetic mean | 17 |
| 24-hr maximum | 30 |
| Sulfur dioxide: | |
| Annual arithmetic mean | 20 |
| 24-hr maximum | 91 |
| 3-hr maximum | 512 |
| Nitrogen dioxide Annual arithmetic mean | 25 |
| **Class III Area** | |
| $PM_{2.5}$: | |
| Annual arithmetic mean | 8 |
| 24-hr maximum | 18 |
| $PM_{10}$: | |
| Annual arithmetic mean | 34 |
| 24-hr maximum | 60 |
| Sulfur dioxide: | |
| Annual arithmetic mean | 40 |
| 24-hr maximum | 182 |
| 3-hr maximum | 700 |
| Nitrogen dioxide Annual arithmetic mean | 50 |

(ii) For any period other than an annual period the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

[47 FR 6428, Feb. 12, 1982, as amended at 54 FR 27881, July 3, 1989; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003; 78 FR 63886, Oct. 25, 2013]

### § 52.2347 Stack height regulations.

The State of Utah has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F. 2d 1224 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 27, 1988, F. Burnell Cordner, Director, Bureau of Air Quality, stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if the EPA's response to the NRDC remand modifies the July 8, 1985 regulations, the EPA will notify the State of the rules that must be changed to comply with the EPA's modified requirements. The State of Utah agrees to process appropriate changes.

[54 FR 24341, June 7, 1989]

### § 52.2348 National Highway Systems Designation Act Motor Vehicle Inspection and Maintenance (I/M) Programs.

(a) On March 15, 1996 the Governor of Utah submitted a revised I/M program for Utah County which included a credit claim, a basis in fact for the credit claimed, a description of the County's program, draft County ordinances, and authorizing legislation for the program. Approval is granted on an interim basis for a period of 18 months, under the authority of section 348 of the National Highway Systems Designation Act of 1995. If Utah County fails to start its program by November 15, 1997 at the latest, this approval will